

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DEBRA HATTEN-GONZALES, et al.,

Plaintiffs,

v.

SIDONIE SQUIER, Secretary of
the New Mexico Human Services Department,

Defendant.

No. CIV 88-0385 KG/CG
Consolidated with
No. CIV 88-0786 KG/CG

STIPULATED ORDER

This matter comes before the Court on *Plaintiffs' Motion to Enforce Compliance with the Decree to Ensure that New Mexicans Who are Eligible for Health Care Coverage and Food Assistance Receive the Support to Which They are Entitled*, filed on March 7, 2014 (Doc. 479).

On May 20, 2014, the Court granted Plaintiffs' motion to enforce compliance (Doc. 500). On February 4, 2015, the Court held a status conference on the Seventh Status Report to the Court. *See* (Doc. 543).

- 1) Having reviewed seven monthly status reports, exhibits, testimony and the argument of counsel at the February 4, 2014, status conference the Court hereby ORDERS:

No later than February 16, 2015, Defendant shall:

- a. provide documentation to the Court and Plaintiffs' counsel regarding how applications are screened and documented as eligible or ineligible for expedited SNAP;
- b. issue a statewide policy and train caseworkers on screening, documenting eligibility and processing expedited SNAP in accordance with 7 CFR 273.2(i);

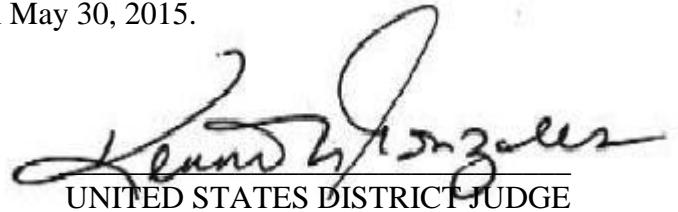
- c. provide the Court and Plaintiffs' counsel with monthly data on the percentage of applications eligible for expedited SNAP benefits that were timely processed and the percentage of cases processed within the 30-day time frame beginning May 2014;
- 2) No later than March 31, 2015, Defendant shall issue statewide policies that set out federal requirements for applications and renewals/recertification of SNAP and Medicaid, agreed upon by both parties, and no later than April 31, 2015, Defendant shall train all caseworkers on these policies.
- 3) For overdue SNAP recertification cases, pending to close:
 - a. No later than March 1, 2015, Defendant shall re-work all overdue SNAP cases that are pending closure, recertifying all of the cases that should be re-certified under federal law and the Consent Decree; and
 - b. no later than March 15, 2015, Defendant shall supply evidence to the Court and Plaintiffs on the number of files reviewed and the number of files approved for benefits.
- 4) For Medicaid Renewals that are pending closure:
 - a. No later than March 31, 2015, Defendant shall re-work all overdue Medicaid renewals that are pending closure, renewing all cases that can be renewed using the legally required Medicaid renewal process, including administrative renewal where required; and
 - b. no later than April 15, 2015, Defendant shall supply evidence to the Court and Plaintiffs on the number of files reviewed and the number of files approved for benefits.

- 5) For overdue Medicaid and SNAP applications pending for denial:
 - a. no later than April 10, 2014, Defendant shall re-work all overdue Medicaid and SNAP applications pending for denial, approving all Medicaid and SNAP cases that should be approved under federal law and the Decree; and
 - b. no later than April 20, 2015, Defendant shall supply evidence to the Court and Plaintiffs on the number of files reviewed and the number of files approved for benefits.
- 6) Defendant shall continue to meet and confer with Plaintiffs' counsel monthly for the next six months.
- 7) No later than the 20th day of each month, but before the monthly meet and confer date, Defendant shall continue to provide Plaintiffs statistical data regarding the number of SNAP and Medicaid applications received, the number of applications processed, the number of applications approved, the number of applications denied and any other pertinent statistical data including:
 - a. monthly data on the status of Defendant's phone system by office, from May 2014 and ongoing by ISD office and call center;
 - b. monthly data on the Case and Procedural Error Rate, beginning May 2014 and ongoing by ISD office; and
 - c. monthly data stating the percentage of Medicaid applications processed within 45 days of application and 90 days of application, as required by federal law.
- 8) The parties shall file with the Court a report by the last day of each month for the next six months (beginning with the month of March) that describes (1) the status of his implementation of this Order Granting Motion to Enforce Compliance and (2) the extent

to which the backlog of SNAP and Medicaid applications and re-certifications has been reduced.

- 9) No later than May 15, 2015, Defendant shall provide Plaintiffs with a new sample of 120 case files for Plaintiffs' to review. Plaintiffs will randomly select the sample from a list of cases provided by Defendant that are overdue and pending denial and closure. Plaintiffs will complete this file review by no later than May 30, 2015.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

Approved by:

/s/ Gail Evans
Gail J. Evans, Esq. and Sovereign Hager, Esq.
New Mexico Center on Law and Poverty

Jane B. Yohalem, Esq.
Law Office of Jane B. Yohalem

Daniel Yohalem, Esq.
Daniel Yohalem Attorney at Law

Counsel for Plaintiffs

/s/ Natalie Bruce
Natalie Bruce, Esq.
NM Human Services Department

Chris Collins, Esq.
NM Human Services Department

Jerry Walz, Esq
Jerry Walz and Associates

Counsel for Defendant